

Claim Amendments

Please amend the claims as follows. The following is a complete listing of the claims that replaces all previous versions.

1. (Currently Amended) A method of monetizing a first contract to supply a commodity from a supplier to a recipient, comprising:

receiving by transfer, by a first entity, transferring the first contract to a first entity,

wherein the first contract does not give the supplier to right to make make-up

deliveries following a period of force majeure;

revising the first contract such that (a) the first entity may provide the commodity to the

recipient from sources other than specified in the first contract, and (b) the recipient

is to pay a fixed price for the commodity under the revised first contract that is

different from a price for the commodity in the first contract prior to revision;

~~establishing~~ entering into, by the first entity with a second entity, a second contract in

which the second party agrees to supply the commodity from a the second entity to

the first entity, wherein the price of the commodity in the second contract is less than

the price of the commodity in the revised first contract; and

offering, by the first entity, interest-bearing debt instruments, wherein the debt

instruments have a term matching the term of the second contract, and wherein the

debt service of the debt instruments is financed by the difference between the price

for the commodity in the revised first contract and the price for the commodity in the

second contract;

~~guaranteeing, by a third-party guarantor, payment obligations of the first entity to the recipient arising out of the revised first contract.~~

wherein payments by the recipient to the first entity under the revised first contract are deposited in a collections account of the first entity, and wherein payments by the first entity to the second entity under the second supply contract are paid from the collections account using a computerized electronic transfer system; and wherein the first entity has a reserve account, separate from the collections account, that is sufficiently funded to make debt service payments on the debt instruments when the first entity is unable to supply the commodity to the recipient because of a force majeure condition for a predetermined time period during the term of the first supply contract.

2. (Currently Amended) The method of claim 1, further comprising guaranteeing, by a third-party guarantor, payment obligations of the first entity to the recipient arising out of the revised first contract, wherein the third-party guarantor's guaranty of the payment obligations of the first entity is capped by a maximum liability limitation amount.

3. (Original) The method of claim 1, wherein the first entity is owned by the supplier.

4. (Canceled).

5. (Currently Amended) The method of claim ~~[[4]]~~ 1, further comprising paying principal and interest on the debt ~~securities~~ instruments from the first entity to holders of the debt

~~securities~~ instruments.

6. (Currently Amended) The method of claim 5, wherein a debt service coverage ratio of the debt ~~securities~~ instruments is between 1.00 and 1.01.

7. (Canceled).

8. (Original) The method of claim 5, further comprising establishing an administrative services agreement between the first entity and an administrative agent.

9. (Original) The method of claim 5, further comprising establishing the first entity as a subsidiary of the supplier.

10. (Original) The method of claim 9, wherein the second entity is a subsidiary of the third-party guarantor.

11. (Currently Amended) The method of claim ~~[[4]]~~ 1, wherein the debt ~~securities~~ instruments include senior secured notes.

12. (Currently Amended) The method of claim ~~[[4]]~~ 1, wherein the debt ~~securities~~ instruments include subordinated notes.

13. (Original) The method of claim 1, further comprising the third-party guarantor

guarantying payment obligations of the second entity to the first entity arising out of the second contract.

14. (Currently Amended) The method of claim 1, wherein revising the first contract includes revising the first contract such that the revised first contract obligates the recipient to pay a fixed price ~~for~~ to the first entity for capacity to supply the commodity and obligates the recipient to pay an index-based price for the commodity.

15-25. (Canceled).

26. (Currently Amended) The method of claim ~~22~~ 1, wherein the ~~power distributor~~ recipient is a government agency for managing the power procurement for a governmental entity.

27. (Currently Amended) The method of claim 26, further comprising the ~~power distributor~~ recipient offering debt securities, wherein the ~~power distributor~~ recipient is obligated to pay the first ~~business~~ entity for power under the revised first contract prior to servicing the debt securities offered by the ~~power distributor~~ recipient.

28-36. (Canceled).

37. (Currently Amended) The method of claim ~~15~~ 1, wherein ~~establishing~~ the second contract includes ~~providing~~ a liquidated damages clause ~~in the second contract~~

~~obligating~~ that obligates the ~~power-supplier~~ second entity to pay liquidated damages to the first entity under certain specified conditions in the second contract, and further comprising a third-party guarantor guarantying payment obligations of the ~~power supplier~~ second entity under the second contract, including the liquidated damages.

38-66. (Canceled).